Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Austin Aqua System, 105 Burnet Hills Drive, 2.5 miles east of Burnet, Burnet County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 1, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,214

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$114 **Total Due to General Revenue:** \$2,100

Payment Plan: 21 payments of \$100 each

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: November 10, 2014 through November 21, 2014

Date(s) of NOE(s): November 21, 2014

Violation Information

- 1. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director ("ED") each quarter by the tenth day of the month following the end of the quarter [30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)].
- 2. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)].
- 3. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the ED [30 Tex. Admin. Code § 290.117(c)(2)(B), (c)(2)(C), and (i)(1)].
- 4. Failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to submit DLQORs [30 Tex. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
- 5. Failed to meet the adequacy, availability, and/or content requirements for the CCR [30 Tex. Admin. Code §§ 290.272 and 290.274(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 or for the most current calendar year to each bill

paying customer and make good faith effort to deliver the CCR to non-bill paying customers;

- ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs;
- iii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the ED, including but not limited to providing public notification regarding the failure to submit DLQORs; and
- iv. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed by an approved laboratory, and the results reported to the ED within ten days following the end of each monitoring period.
- b. Within 45 days:
- i. Submit written certification to demonstrate compliance with a.; and
- ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
- c. Within 60 days, submit written certification to demonstrate compliance with b.ii.
- d. Within 90 days:
- i. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the ED within ten days of the month following the end of the monitoring period. This provision will be satisfied upon one annual compliant monitoring period; and
- ii. Begin submitting DLQORs to the ED each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
- e. Within 285 days, submit written certification to demonstrate compliance with d.ii.; and
- f. Within 470 days, submit written certification to demonstrate compliance with d.i.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Ha Van Nguyen, Owner, Austin Aqua System, 7407 Amsterdam Lane,

Arlington, Texas 76002

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) PCW Revision March 26, 2014 Policy Revision 4 (April 2014) Assigned 24-Nov-2014 Screening 3-Dec-2014 EPA Due 31-Mar-2015 PCW 2-Mar-2015 RESPONDENT/FACILITY INFORMATION Respondent Ha Van Nguyen dba Austin Agua System Reg. Ent. Ref. No. RN101197986 Major/Minor Source Minor Facility/Site Region 11-Austin CASE INFORMATION Enf./Case ID No. 49755 No. of Violations 5 Docket No. 2014-1798-PWS-E Order Type Findings Government/Non-Profit No Media Program(s) Public Water Supply Multi-Media Enf. Coordinator Epifanio Villarreal EC's Team Enforcement Team 2 \$50 Maximum \$1,000 Admin. Penalty \$ Limit Minimum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$775 ADJUSTMENTS (+/-) TO SUBTOTAL 1 ubtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** Subtotals 2, 3, & 7 \$558 72.0% Enhancement Enhancement for five NOVs with the same/similar violations, one NOV with dissimilar violations, one agreed order with a denial of liability, and one agreed order without a denial of liability. Subtotal 4 Culpability No \$0 0.0% Enhancement The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 Subtotal 6 \$0 0.0% Enhancement* **Economic Benefit** Total EB Amounts \$896 *Capped at the Total EB \$ Amount Estimated Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$1,333 \$881 OTHER FACTORS AS JUSTICE MAY REQUIRE 66.1% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage

Enhancement to capture the avoided costs of compliance for Violation

Nos. 1 through 4.

No deferral is recommended for Findings Orders.

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Final Penalty Amount

Final Assessed Penalty

Adjustment

Reduction

0.0%

\$2,214

\$2,214

\$2,214

\$0

Notes

Notes

PAYABLE PENALTY

STATUTORY LIMIT ADJUSTMENT

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Respondent Ha Van Nguyen dba Austin Aqua System

Case ID No. 49755

Reg. Ent. Reference No. RN101197986

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

Component	Number of Written notices of violation ("NOVs") with same or similar violations as those in		T	Adjust.
NOVs	the current enforcement action (number of NOVs meeting criteria)	5		25%
	Other written NOVs	1		2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1		20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission			25%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0		0%
Emissions	Chronic excessive emissions events (number of events)	0		0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0		0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0		0%
	Ple	ase Enter Ye	s or No	
	Environmental management systems in place for one year or more	No		0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No		0%
	Participation in a voluntary pollution reduction program	No		0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No		0%
	Adjustment Per	centage	(Subt	otal 2)
epeat Violator (Subtotal 3)			
N/J	Adjustment Per	centage	(Subt	otal 3)
ompliance Histo	ry Person Classification (Subtotal 7)			
N/A	Adjustment Per	centage	(Subt	otal 7)
ompliance Histo	rry Summary			
Compliance History Notes	Enhancement for five NOVs with the same/similar violations, one NOV with dissimone agreed order with a denial of liability, and one agreed order without a denial			
	Total Compliance History Adjustment Percentage (S	Subtotal	 s 2 3	2. & 7) [

PCW		Screening Date
licy Revision 4 (April 2014) N Revision March 26, 2014	49755 PCW R	Case ID No. Reg. Ent. Reference No.
	Public Water Supply Epifanio Villarreal	Media [Statute] Enf. Coordinator
		Violation Number Rule Cite(s)
	Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the second quarter of 2014.	Violation Description
\$1,000	Base Penalty	
	ty and Human Health Matrix Harm	>> Environmental, Proper
		Release OR Actual Potential
	Major Moderate Minor	>>Programmatic Matrix Falsification
	Percent 5.0%	
	100% of the rule requirement was not met.	Matrix Notes
50	Adjustment \$950	
\$50		
		Violation Events
	/iolation Events 1 90 Number of violation days	Number of V
\$	weekly monthly quarterly semiannual annual single event x	mark only one with an x
	One single event is recommended.	
n \$0	Ply 0.0% Reduction Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	Good Faith Efforts to Com
	Extraordinary	
	Notes The Respondent does not meet the good faith criteria for this violation.	
al \$50	Violation Subtotal	
		Economic Benefit (EB) for
	ed EB Amount \$27 Violation Final Penalty Total This violation Final Assessed Penalty (adjusted for limits)	Estimate
7, 4173	inia violation i mai Assessed Feliatry (adjusted for milita)	

	Public Water S					Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
<u> </u>		Date Required	Final Date	YFS	Interest Saveo	Onetime Costs	EB Amount
Item Description	No commas or \$						
R. L. J. C. J.							
Delayed Costs	r	1		0.00	\$0	\$0	\$0
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	10-Nov-2014	30-Jun-2015	0.64	\$1	n/a	\$1
Training/Sampling	\$100	10-Nov-2014		0.64	\$3	n/a	\$3
Remediation/Disposal	3100		20 2011 2012	0.00	\$0	n/a	\$0
		(*******		
		B		B (1 (M)	TA:	n/a	
Permit Costs Other (as needed)	the Facilit	y's operational gu	idance and con-	duct er	nployee training to	n/a n/a e the estimated amo o ensure that the se	lf-reporting
	the Facilit	y's operational gu s are properly acc	idance and concomplished, incl	0.00 ling de duct er uding t	\$0 layed costs includ aployee training to he timely submitta	n/a e the estimated amo	\$0 ount to update If-reporting ified DLQORs,
Other (as needed)	the Facilit requirement	y's operational gu s are properly acc calculated from	idance and con- complished, incli the record revie	0.00 ling de duct er uding t w date	\$0 layed costs includ nployee training to the timely submitta to the estimated	n/a e the estimated amo o ensure that the se al of signed and cert	\$0 ount to update If-reporting ified DLQORs,
Other (as needed) Notes for DELAYED costs	the Facilit requirement	y's operational gu s are properly acc calculated from	idance and con- complished, incli the record revie	0.00 ling de duct er uding t w date	\$0 layed costs includ nployee training to the timely submitta to the estimated	n/a e the estimated amo o ensure that the se al of signed and cert date of compliance.	\$0 ount to update If-reporting ified DLQORs,
Other (as needed) Notes for DELAYED costs Avoided Costs	the Facilit requirement	y's operational gu s are properly acc calculated from	idance and con- complished, incli the record revie	0.00 duct en uding t w date enterin 0.00	\$0 layed costs includ nployee training to the timely submitta to the estimated ng item (except	n/a e the estimated amo o ensure that the se al of signed and cert date of compliance. for one-time avoi	\$0 bunt to update If-reporting ified DLQORs, ded costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	the Facilit requirement	y's operational gu s are properly acc calculated from	idance and con- complished, incli the record revie	0,00 ding de duct en uding t w date enterir 0.00	\$0 layed costs includ inployee training to the timely submitta- to the estimated ing item (except \$0	n/a e the estimated amo o ensure that the se al of signed and cert date of compliance. for one-time avoid	\$0 ount to update If-reporting ified DLQORs, ded costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	the Facilit requirement	y's operational gu s are properly acc calculated from	idance and con- complished, incli the record revie	0.00 duct en uding t w date enterin 0.00	\$0 layed costs includ apployee training to the timely submitta to the estimated ag item (except \$0 \$0	n/a e the estimated amo o ensure that the se al of signed and cert date of compliance. for one-time avoid \$0 \$0	\$0 ount to update If-reporting ified DLQORs, ded costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	the Facility requirement	y's operational gus are properly acc calculated from	idance and con- complished, incli the record revie	ling de duct er uding te date enterin 0.00 0.00 0.00 0.00 0.00 0.00	\$0 layed costs includ inployee training to the timely submitta- to the estimated ag item (except \$0 \$0 \$0 \$0 \$0	n/a e the estimated amo o ensure that the se al of signed and cert date of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 bunt to update If-reporting ified DLQORs, ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment	the Facilit requirement	y's operational gu s are properly acc calculated from	idance and con- complished, incli the record revie	ling de duct er uding te date enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 layed costs includ inployee training to the timely submitta to the estimated ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e the estimated amo o ensure that the se al of signed and cert date of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$22	\$0 bunt to update If-reporting ified DLQORs, ded costs) \$0 \$0 \$0 \$0 \$0 \$22
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	the Facility requirement	y's operational gus are properly acc calculated from	idance and concomplished, included the record review costs before a	ling de duct er uding te date entering 0.00 0.00 0.00 0.00 0.00	\$0 layed costs includ inployee training to the timely submitta- to the estimated ag item (except \$0 \$0 \$0 \$0 \$0	n/a e the estimated amo o ensure that the se al of signed and cert date of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 Dunt to update If-reporting ified DLQORs, ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	the Facility requirement	y's operational gus are properly acc calculated from	idance and concomplished, inclicate record revies costs before a 10-Jul-2014	0.00 ding deduct en uding tew date entering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 layed costs includ inployee training to the timely submitta- to the estimated ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e the estimated amore pensure that the seal of signed and cert date of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$22 \$0 \$0	\$0 punt to update If-reporting ified DLQORs, ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	the Facility requirement	y's operational gus are properly accalculated from IZE [1] avoided 1 -Jul-2014 avoided cost inclusions	idance and concomplished, include the record review costs before a 10-Jul-2014 and the estima	l 0.00 bling de duct en uding t ew date enterin 0.00 0.00 0.00 0.00 0.00 0.00	\$0 layed costs includ inployee training to the timely submitta- to the estimated ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e the estimated amore being that the selection of signed and cert date of compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 punt to update If-reporting ified DLQORs, ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

PCW		Screening Date	
icy Revision 4 (April 2014) V Revision March 26, 2014	- · · · · · · · · · · · · · · · · · · ·	Kesponden Case ID No	
,	RN101197986	eg. Ent. Reference No	Reg.
		Media [Statute Enf. Coordinato	
		Violation Numbe	
		Rule Cite(s	THE THE PROPERTY OF THE PERSON
e	Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the years 2011 and 2012.	Violation Description	имиминиминиминиминиминиминиминиминимини
y \$1,000	Base Penalty		жиминимини
AND	ty and Human Health Matrix Harm		>> Em
		Release R Actua	OR
		Potentia	VN
		Programmatic Matrix	>>Pro
	Major Moderate Minor x Percent 5.0%	Falsification	
		Matrix	
	100% of the rule requirements were not met.	Notes Notes	
0	Adjustment \$950		
\$50			
		ation Events	Violati
	/iolation Events 2 730 Number of violation days	Number of	
	daily daily weekly		
	monthly [1][[[]][[]]		
y \$100	quarterly Violation Base Penalty semiannual	mark only one with an x	
	annual single event x		
- 1 	Two single events are recommended.		
—			
n \$0	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	d Faith Efforts to Con	Good F
	Extraordinary Ordinary		
No Section Ass.	N/A (mark with x)		
an eventual internation of the second	Notes The Respondent does not meet the good faith criteria for this violation.		жина применения примен
si \$100	Violation Subtotal		
	le	nomic Benefit (EB) fo	Econor
al \$286	ed EB Amount \$195 Violation Final Penalty Total	Banks Day adamaga a a a a a a a a a a a a a a a a a	
	This violation Final Assessed Penalty (adjusted for limits)		
1===			

	2	S Supply				Percent Interest	Years of Depreciation
						5.0	15
Item Description		Date Required	Final Date	VFS	Interest Saved	Onetime Costs	EB Amount
acin beganpuon	110 COMMIGS OF P						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land		1		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling Remediation/Disposal		1		0.00	\$0 \$0	n/a n/a	<u>\$0</u> \$0
Permit Costs				0.00	\$0 \$0	n/a	\$0 \$0
Other (as needed)				0.00	\$0 \$0	n/a	\$0 \$0
· · · · · ·							
Avoided Costs Disposal	ANNUAL	IZE [1] avoided	costs before	0.00	sg item (except \$0	for one-time avoid \$0	sea costs)
Personnel				0.00	\$0	\$0 \$0	\$0 \$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Supplies/Equipment Financial Assurance [2]	Parada de la caracida						
**. * * *	\$167	1-Jul-2012	3-Dec-2014	3.34	\$28	\$167	\$195

	Date 3-Dec-2014 Docket No. 2014-1798-PWS-E dent Ha Van Nguyen dba Austin Aqua System	PCW Policy Revision 4 (April 2014)
Case ID Reg. Ent. Reference Media [Stat	No. 49755 No. RN101197986 ute] Public Water Supply lator Epifanio Villarreal	PCW Revision March 26, 2014
Rule Ci	I and the second	
Violation Descri	Failed to collect lead and copper tap samples at the required five sample sites, the samples analyzed at an approved laboratory, and submit the results to the samples December 31, 2012, January 1, 2013 through December 31, 2013, and January 1, 2014 through December 32014 monitoring periods.	he ry 1,
	Base Per	nalty \$1,000
	roperty and Human Health Matrix Harm	
OR ·	lease Major Moderate Minor Actual Persont 15.00	
>>Programmatic Mat	reix Percent 15.0%	
Falsific		
Marris Es	lium to collect lead and sonner samples sould august passage sould by the English to	
Matrix Fa Notes	ilure to collect lead and copper samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.	
	Adjustment	\$850
		\$150
Violation Events		
Numb	er of Violation Events 1825 Number of violation days	
	daily weekly	
mark onl with a		nalty \$450
	Three single events are recommended.	:
Good Faith Efforts to	Comply 0.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	ction \$0
	Extraordinary Ordinary	
	N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation.	Propriest responsible from the control of the contr
	Violation Sub	total \$450
Economic Benefit (EB) for this violation Statutory Limit Tes	it
Est	imated EB Amount \$586 Violation Final Penalty 1	
	This violation Final Assessed Penalty (adjusted for lin	nits) \$1,286

	Public Water S					Percent Interest	Years of
Violation No.	3						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						

Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	10-Nov-2014	30-Jun-2015	0.64	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs							
Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
	the Facility	's process proced	lures, guidance,	0.00 des the trainin	\$0 e estimated amou g and/or oversigh	n/a nt to implement imp t to ensure that fut.	\$0 provements to ure lead and
Notes for DELAYED costs	the Facility copper sar reported to th	's process proced mples are collecte ne Executive Dire	lures, guidance, d by the Facility ctor, calculated	0.00 des the trainin 's pers from th compli	\$0 e estimated amoul g and/or oversigh onnel, analyzed by le date of the reco ance.	n/a nt to implement imp t to ensure that futu the Facility's labora rd review to the est	\$0 provements to are lead and atories, and dimated date of
Notes for DELAYED costs Avoided Costs	the Facility copper sar reported to th	's process proced mples are collecte ne Executive Dire	lures, guidance, d by the Facility ctor, calculated	0.00 Ides the training 's pers from the compli	\$0 e estimated amou g and/or oversigh onnel, analyzed by le date of the reco ance. og item (except	n/a nt to implement imp t to ensure that futu the Facility's labora rd review to the est for one-time avoid	\$0 provements to ure lead and atories, and dimated date of ded costs)
Notes for DELAYED costs Avoided Costs Disposal	the Facility copper sar reported to th	's process proced mples are collecte ne Executive Dire	lures, guidance, d by the Facility ctor, calculated	0.00 Ides the training 's pers From the complianter in the complianter	\$0 e estimated amoui g and/or oversigh onnel, analyzed by ie date of the reco ance. ig Item (except \$0	n/a nt to implement implet to ensure that future that future the Facility's laborated review to the est for one-time avoid	\$0 provements to are lead and atories, and dimated date of ded costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	the Facility copper sar reported to th	's process proced mples are collecte ne Executive Dire	lures, guidance, d by the Facility ctor, calculated	0.00 des the trainin's pers from the complication of the complex compl	\$0 e estimated amour g and/or oversigh onnel, analyzed by the date of the reco ance. og item (except \$0 \$0	n/a nt to implement imp t to ensure that future the Facility's laborate rd review to the est for one-time avoid \$0 \$0	\$0 provements to ure lead and atories, and timated date of ded costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	the Facility copper sar reported to th	's process proced mples are collecte ne Executive Dire	lures, guidance, d by the Facility ctor, calculated	des the training spers from the compliantering 0.00 0.00 0.00	\$0 e estimated amou g and/or oversigh onnel, analyzed by le date of the reco ance. 1g Item (except \$0 \$0 \$0	n/a nt to implement implement to ensure that future the Facility's laborated review to the est for one-time avoid \$0 \$0 \$0 \$0	\$0 provements to ure lead and atories, and dimated date of ded costs) \$0 \$0 \$0
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Number of Violation Events 3 275 Number of violation days daily weekly monthly quarterly semiannual annual single event x Three single events are recommended. Three single events are recommended. \$150 Before NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$150 Statutory Limit Test Estimated EB Amount \$84 Violation Final Penalty Total \$425	PCW		Screening Date
Reg. Ent. Reference No. NIJ.0119786 Media (Statute) Public Water Supply Enf. Coerdinator Epfanio Villation Rumber 4			
First Coordinator Epfano Villation Runner 4	vision march 20, 201		
Violation Number A 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)			
Solution			
Failed to provide public notification and submit a copy of the public notification to Violation Description the Executive Director reging the failure to submit DLQORs for the first quarter of 2913 through the third quarter of 2913. Sase Penalty			
Violation Description the Executive Director regarding the failure to submit DLQORs for the first quarter of 2013. Base Penalty 51,00 Percent 7,00% Percent 7,00% Percent 7,00% Percent 7,00% Actual 7,00% Percent 7,00% Percent 7,00% Adjustment 7,00% Adjust		30) EA. Admini Code & 230.122(c)(2)(A) dita (1)	
Violation Description the Executive Director regarding the failure to submit DLQORs for the first quarter of 2013. Base Penalty 51,00 Percent 7,00% Percent 7,00% Percent 7,00% Percent 7,00% Actual 7,00% Percent 7,00% Percent 7,00% Adjustment 7,00% Adjust			
Section Statutory Statut			Violation Description
Programmatic Matrix Release Major Moderate Minor Percent 0.0% > Programmatic Matrix Falsification Major Moderate Minor Notes			Aidiation pescription
Programmatic Matrix Release Major Moderate Minor Percent 0.0% > Programmatic Matrix Falsification Major Moderate Minor Notes			
Programmatic Matrix Release Major Moderate Minor Percent 0.0% > Programmatic Matrix Falsification Major Moderate Minor Notes			
Release Major Moderate Minor Actual Potential Potential Percent 0.0% > Programmatic Matrix Falsification Major Moderate Minor Percent 5.0% Matrix Notes 100% of the rule requirement was not met. Matrix Notes 100% of the rule requirement was not met.	\$1,00	Base Penalty	
Release Major Moderate Minor Actual Potential Potential Percent 0.0% > Programmatic Matrix Falsification Major Moderate Minor Percent 5.0% Matrix Notes 100% of the rule requirement was not met. Matrix Notes 100% of the rule requirement was not met.		rty and Human Health Matrix	> Environmental, Proper
Programmatic Marix Falsification Major Moderate Minor Falsification Major Minor Falsification Major Moderate Minor Falsification Major Minor Falsification Major Minor Falsification Major Moderate Minor Falsification Major Minor Falsification		Harm	
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Falsification Major Moderate Minor Percent 5.0% Matrix Notes 100% of the rule requirement was not met. Adjustment \$950 \$55 Iolation Events Number of Violation Events 3 275 Number of violation days Matrix Notes		Percent 0.0%	Potential
Falsification Major Moderate Minor Percent 5.0% Matrix Notes 100% of the rule requirement was not met. Adjustment \$950 \$55 Iolation Events Number of Violation Events 3 275 Number of violation days Matrix Notes			>Drogrammatic Matrix
Matrix Notes Adjustment		Major Moderate Minor	
Notes Adjustment \$950 \$5 Statutory Limit Test Seconomic Benefit (EB) for this violation Adjustment \$950 \$45 Adjustment \$950 \$55 Adjustment \$950 Adjustment \$950 Adjustment \$950 Adjustment \$950 Adjustment \$950 Adjustment \$950 Adj		Percent 5.0%	
Notes Adjustment \$950 \$5 Statutory Limit Test Seconomic Benefit (EB) for this violation Adjustment \$950 \$45 Adjustment \$950 \$55 Adjustment \$950 Adjustment \$950 Adjustment \$950 Adjustment \$950 Adjustment \$950 Adjustment \$950 Adj			
Solution Events Solution E		100% of the rule requirement was not met.	
Number of Violation Events Number of Violation Events			Notes
Number of Violation Events Number of Violation Events Adaly		40T0)	
Number of Violation Events Violation Base Penalty \$15		Aujustrient \$500	
Number of Violation Events 3 275 Number of violation days daily weekly monthly quarterly semiannual annual single event x Three single events are recommended. Three single events are recommended. \$150 Before NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$150 Statutory Limit Test Estimated EB Amount \$84 Violation Final Penalty Total \$425	\$5		
daily weekly monthly quarterly semiannual annual single event X Three single events are recommended. Three single events are recommended. Three single events are recommended. \$150 \$			iolation Events
daily weekly monthly quarterly semiannual annual single event X Three single events are recommended. Three single events are recommended. Three single events are recommended. \$150 \$		Galakian Gunaka Galakian da sa	N.,
mark only one with an x weekly monthly quarterly semiannual annual single event x		violation Events 3 Number of violation days	Number of V
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Three single events are recommended. \$\text{pool Faith Efforts to Comply} \text{ 0.0%} \text{ 0.0%} \text{ Reduction } \text{ \$\text{Sefore NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A \times \text{ (mark with x)} \text{ Notes The Respondent does not meet the good faith criteria for this violation.} \$\text{Violation Subtotal } \$\text{\$\tex			
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ood Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A			
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Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$150 conomic Benefit (EB) for this violation Estimated EB Amount \$84 Violation Final Penalty Total \$425	\$1		ood Faith Efforts to Comp
Ordinary N/A			
Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$150 conomic Benefit (EB) for this violation \$Statutory Limit Test Estimated EB Amount \$84 Violation Final Penalty Total \$429			
Violation Subtotal \$150 conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$84 Violation Final Penalty Total \$425		N/A x (mark with x)	
Violation Subtotal \$150 Conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$84 Violation Final Penalty Total \$429			
Conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$84 Violation Final Penalty Total \$429		The Respondent does not meet the good faith criteria for	
Conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$84 Violation Final Penalty Total \$429			
Estimated EB Amount \$84 Violation Final Penalty Total \$429		this violation.	
	\$150	this violation.	
	\$150	this violation. Violation Subtotal	conomic Benefit (EB) for
		this violation. Violation Subtotal this violation Statutory Limit Test	
		this violation. Violation Subtotal this violation Statutory Limit Test	

o rak Pakasanaan Nin							
g. Ent. Reference No. Media Violation No.	Public Water S					Percent Interest	Years of Depreciation
Alolation Mo.	4					5.0	15
	Ttem Cost	Date Required	Final Date	Vrc	Interest Saved		EB Amount
Item Description		Date mequile	i mar Date		anto cot parce	uncume puls	~ ~ ~~~~~~~
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	10-Nov-2014	30-Jun-2015	-	\$3	n/a	<u>\$3</u>
Remediation/Disposal Permit Costs		 		0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)				0.00	\$0 \$0		
	The training	/sampling delaye	d cost includes			n/a implement improve	\$0 ments to the
Notes for DELAYED costs	Facility's proc	ess procedures, g	uidance, trainin	the est g and/	imated amount to or oversight to ens		ments to the otifications are
	Facility's proc provide	ess procedures, g ed, calculated fror	uidance, trainin n the date of th	the est g and/ e recor	imated amount to or oversight to ens d review to the es	implement improve sure that all public r timated date of con	ments to the obtifications are opliance.
Notes for DELAYED costs Avoided Costs Disposal	Facility's proc provide	ess procedures, g ed, calculated fror	uidance, trainin n the date of th	the est g and/ e recor	imated amount to or oversight to ens d review to the es ng item (except i	implement improve sure that all public r	ments to the otifications are opliance.
Avoided Costs	Facility's proc provide	ess procedures, g ed, calculated fror	uidance, trainin n the date of th	the est g and/ e recor	imated amount to or oversight to ens d review to the es ng item (except i	implement improve sure that all public r timated date of con for one-time avoid	ments to the otifications are inpliance.
Avoided Costs Disposal Personnel	Facility's proc provide	ess procedures, g ed, calculated fror	uidance, trainin n the date of th	the est g and/ e recor entering 0.00	imated amount to or oversight to ens d review to the es ing item (except i	implement improve sure that all public r timated date of con for one-time avoid	ments to the outifications are opliance. ded costs)
Avoided Costs Disposal Personnel	Facility's proc provide	ess procedures, g ed, calculated fror	uidance, trainin n the date of th	the est g and/e e recor enterir 0.00 0.00 0.00	imated amount to or oversight to ens d review to the es ng item (except i \$0 \$0 \$0 \$0	implement improve sure that all public r timated date of con for one-time avoid \$0 \$0	ments to the obtifications are obtifications are obtified costs) so so so so so
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Facility's proc provide	ess procedures, ged, calculated from	uidance, trainin n the date of th costs before (the est g and/ e recor enterio 0.00 0.00 0.00 0.00	imated amount to or oversight to ens d review to the es ng item (except) \$0 \$0 \$0 \$0 \$0 \$0	implement improve sure that all public r timated date of com for one-time avoid \$0 \$0 \$0 \$0	ments to the otifications are opliance. ded costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Facility's proc provide	ess procedures, g ed, calculated fror	uidance, trainin n the date of th	the est g and/e recor enterin 0.00 0.00 0.00 0.00 0.00 1.67	imated amount to or oversight to ens d review to the es ng item (except solution solution) \$0 \$0 \$0 \$0 \$0 \$0 \$6	implement improve sure that all public r timated date of con for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	ments to the outifications are opliance. ded costs) \$0 \$0 \$0 \$0 \$0 \$1
Avoided Costs Disposal Personnel Dection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Facility's proc provide	ess procedures, ged, calculated from	uidance, trainin n the date of th costs before (the est g and/ e recor enterio 0.00 0.00 0.00 0.00	imated amount to or oversight to ens d review to the es ng item (except) \$0 \$0 \$0 \$0 \$0 \$0	implement improve sure that all public r timated date of com for one-time avoid \$0 \$0 \$0 \$0	ments to the otifications are opliance. ded costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL \$75 The one-time	ess procedures, ged, calculated from	uidance, trainin n the date of th costs before (11-Jan-2014 udes the estima	the est g and/e recor enterior 0.00 0.00 0.00 0.00 1.67 0.00 ated an	imated amount to or oversight to enside review to the estimate to the estimate of the estimate	implement improve sure that all public r timated date of con for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	ments to the obtifications are obtifications are obtifications are obtified costs) \$0 \$0 \$0 \$0 \$0 \$81 \$0

Screening Date		PCW
Kespondent Case ID No.		olicy Revision 4 (April 2014) CW Revision March 26, 2014
Reg. Ent. Reference No.	RN101197986	
Media [Statute]		· Authorities
Enf. Coordinator Violation Number	<u></u>	
Rule Cite(s)		Variation files
		1
Violation Description	Failed to meet the adequacy, availability, and/or content requirements for the CC for the year of 2013. Specifically, the CCR did not include the following: terms at definitions, system contact information, required health language, water source information, detected contaminants, disinfectant residual and violations.	nd
***************************************	Base Pena	lty \$1,000
>> Environmental, Prope	rty and Human Health Matrix	
Release	Harm Major Moderate Minor	
OR Actual		
Potential	Percent 0.0%	
>>Programmatic Matrix	Major Moderato Minor	
Falsification	Major Moderate Minor x Percent 2.5%	
Matrix	30% to 70% of the rule requirements were not met.	
Notes	30% to 70% of the full requirements were not met.	
<u> </u>		
	Adjustment \$9	<u>975</u>
		\$25
Violation Events		
Number of '	/iolation Events 1	
	daily	
1	weekly monthly monthly	
mark only one with an x	quarterly Violation Base Pena	ity \$25
THE WIT A	semiannual	
	annual single event x	
		<u>-</u>
	One single event is recommended.	
		1 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1
Good Faith Efforts to Com	ply 0.0% Reduct	on \$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	***** <u>***</u>
	Extraordinary	
	Ordinary (mark with x)	
	The Respondent does not meet the good faith criteria for	
	Notes the Respondent does not meet the good faith enter a for the strong that the strong the strong that the strong the strong that the strong	
	The state of the s	
	Violation Subto	tal \$25
Economic Benefit (EB) for	this violation Statutory Limit Test	
Estimate	ed EB Amount \$4 Violation Final Penalty To	tal \$71
	This violation Final Assessed Penalty (adjusted for limit	ts) \$71

	E	conomic	Benefit	Wo	rksheet		
Respondent	Secure of the contract of the	en dba Austin Aqua		400000000000000000000000000000000000000			61066081911490000
Case ID No.	49755	•	•				
Reg. Ent. Reference No.	RN101197986	5					
	Public Water S						Years of
Violation No.					*	Percent Interest	Depreciation
Violation No.	3					5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Delayeu COSIS Equipment				10.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	<u>\$0</u>	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$84	1-Jul-2014	30-Jun-2015	1.00	\$4	n/a	\$4
Notes for DELAYED costs	one yea	ar), calculated fror	n the due date	of the	2013 CCR to the e	\$0.50 x 67 connect stimated date of cor	npliance.
Avoided Costs	ANNUAL	TTE [1] avoided	costs before			for one-time avoid	
Disposal				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment Financial Assurance [2]				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]				0.00	\$0 \$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Other (as needed)		· K		<u>n 0.00</u>			i i i i i i i i i i i i i i i i i i i
Notes for AVOIDED costs							

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN602309908, RN101197986, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, Owner/Operator:	or CN602309908, Ha Van	Nguyen	Classification: N	IOT APPLICAB	BLE Rating	I: N/A
Regulated Entity:	RN101197986, Austin A	qua System	Classification:	NOT APPLICAE	BLE Rating	j: N/A
Complexity Points:	N/A		Repeat Violator:	N/A		
CH Group:	14 - Other			**************************************		
Location:	105 BURNET HILLS DRI	VE, 2.5 MILES EAST O	F BURNET, BURNET C	OUNTY, TEXA	\S	
TCEQ Region:	REGION 11 - AUSTIN			**. :		
ID Number(s): PUBLIC WATER SYSTEM/S WATER LICENSING LICENS		70042 WATER	LICENSING LICENS	SE 0270042		
Compliance History Per	iod: September 01, 200	9 to August 31, 2014	Rating Year	2014	Rating Date:	09/01/2014
Date Compliance Histor	y Report Prepared:	December 03, 2014			,	
Agency Decision Requir	ing Compliance Histor	ey: Enforcement				
Component Period Sele	cted: December 03, 2	009 to December 03,	2014			
TCEQ Staff Member to C	Contact for Additional	Information Rega	rding This Compl	iance Histo	ry.	

Phone: (361) 825-3425

YES

Site and Owner/Operator History:

Name: Epi Villarreal

1) Has the site been in existence and/or operation for the full five year compliance period?

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

3) If **YES** for #2, who is the current owner/operator? N/A

4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A

5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 02/22/2010 ADMINORDER 2009-1125-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Repeat Monitoring Violation 12/2007 - Failure to collect any repeats following a coliform found result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: TCR MCL Violation 01/2008 - System exceeded a Maximum Contaminant Level Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Repeat Monitoring Violation 01/2008 - Failure to collect all repeats following a coliform found result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Repeat Monitoring Violation 01/2008 - Failure to post public notice for not collecting all repeats

following a coliform found result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Increase Monitoring Violation 02/2008 - Failure to collect all 5 distribution samples following a coliform found

month.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Increase Monitoring Violation 02/2008 - Failure to post public notice for not collecting all 5 distribution

samples following a coliform found month.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: TCR MCL Violation 02/2008 - System exceeded a Maximum Contaminant Level Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: TCR PN MCL Violation 02/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Repeat Monitoring Violation 02/2008 - Failure to collect any repeats following a coliform found result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Repeat Monitoring Violation 02/2008 - Failure to post public notice for not collecting any repeats following a

coliform found result. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Increase Monitoring Violation 03/2008 - Failure to collect all 5 distribution samples following a coliform found

month.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Increase Monitoring Violation 03/2008 - Failure to post public notice for not collecting all 5 distribution

samples following a coliform found month.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: TCR MCL Violation 04/2008 - System exceeded a Maximum Contaminant Level Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: TCR PN MCL Violation 04/2008 - Failure to post a public notice for exceeding a Maximum Contaminant Level Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Increase Monitoring Violation 05/2008 - Failure to collect all 5 distribution samples following a coliform found

month.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Increase Monitoring Violation 05/2008 - Failure to post public notice for not collecting all 5 distribution

samples following a coliform found month.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 02/2009 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Routine Monitoring Violation 02/2009 - Failure to post public notice for not collecting any routine monitoring

sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Repeat Monitoring Violation 05/2009 - Failure to collect any repeats following a coliform found result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: TCR PN Repeat Monitoring Violation 05/2009 - Failure to post public notice for not collecting any repeats following a

coliform found result.

2 Effective Date: 04/21/2013 ADMINORDER 2012-1620-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)

30 TAC Chapter 290, SubChapter F 290.113(f)(1)

30 TAC Chapter 290, SubChapter F 290.113(f)(2)

Description: DBP MR 3Y2009 - This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the triennial monitoring period from 01/01/2007 to 12/31/2009.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)

30 TAC Chapter 290, SubChapter F 290.106(e)

30 TAC Chapter 290, SubChapter F 290.118(f)(1)

30 TAC Chapter 290, SubChapter F 290.118(f)(2)

Description: MTL MR 3Y2009 - The system failed to monitor and/or failed to report metal levels to the TCEQ for the triennial monitoring period from 01/01/2007 to 12/31/2009.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)

30 TAC Chapter 290, SubChapter F 290.106(e)

30 TAC Chapter 290, SubChapter F 290.118(f)(1)

30 TAC Chapter 290, SubChapter F 290.118(f)(2)

Description: MIN MR 3Y2007 - The system failed to monitor and/or failed to report mineral levels to the TCEQ for the triennial monitoring period from 01/01/2005 to 12/31/2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO32 MR YR2011 - The system failed to monitor and/or failed to report nitrate/nitrite levels to the TCEQ for the annual monitoring period from 01/01/2011 to 12/31/2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR YR2009 - The system failed to monitor and/or failed to report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2009 to 12/31/2009.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)

30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR YR2010 - The system failed to monitor and/or failed to report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(e)

30 TAC Chapter 290, SubChapter F 290.108(f)(3)

30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: RAD MR 3Y2009 - The system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the triennial monitoring period from 01/01/2007 to 12/31/2009.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(2)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2011 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(2)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2011 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(2)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2011 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the

TCEQ for the third quarter of 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

> 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2011 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the

TCEQ for the fourth quarter of 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

> 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2012 - The system failed to monitor and/or failed to report distribution disinfectant residuals to the

TCEQ for the first quarter of 2012.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1

June 20, 2014

(1173359)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

01/21/2014

(1143661)

CN602309908

Moderate

Citation:

NO Self Report?

30 TAC Chapter 290, SubChapter D 290.46(m)

Description:

Failure to keep the water system distribution lines in good working condition and

prevent conditions that might cause contamination of the water.

2

Date:

02/26/2014

(1209430)

CN602309908 Classification:

Classification:

Moderate

Citation:

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

DLQOR MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice

was required for a disinfectant monitoring and reporting violation during the 2nd guarter of 2013.

Self Report?

Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

DLOOR MR PN 102013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 1st quarter

of 2013.

3

Date:

09/11/2014

(1209430)

CN602309908

Self Report? Citation:

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Classification:

Moderate

Description:

30 TAC Chapter 290, SubChapter F 290.122(f)

DLOOR MR PN 302013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice

was required for a disinfectant monitoring and reporting violation during the 3rd quarter

of 2013.

Date:

10/16/2014

(1209430)

CN602309908 Classification:

Moderate

Citation:

Self Report? NO

30 TAC Chapter 290, SubChapter H 290.272

30 TAC Chapter 290, SubChapter H 290.273

Published Compliance History Report for CN602309908, RN101197986, Rating Year 2014 which includes Compliance History (CH) components from December 03, 2009, through December 03, 2014.

30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)

Description:

CCR 2013 - The system's Consumer Confidence Report (CCR) failed to meet the

adequacy, availability, and/or content requirements for the 2013 CCR year.

Date: 5

10/23/2014

(1209430)

CN602309908

Classification:

Moderate

Citation:

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

DLQOR MR 2Q2014 - The system failed to monitor and/or report distribution Description:

disinfectant residuals to the TCEQ for the 2nd quarter of 2014 within the required

timeline.

6

Date:

11/10/2014

(1209430)

CN602309908

Classification:

Moderate

Citation:

Self Report?

30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description:

LCR RD MR YR2014 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2014 to

12/31/2014 within the required timeline.

F. Environmental audits:

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

Participation in a voluntary pollution reduction program:

Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 12/3/2009 and 12/3/2014

Date: 05/06/2011 (901001)CN602309908 Self Report? NO Classification: Moderate 30 TAC Chapter 290, SubChapter D 290.46(f) Citation: Description: No records were available during the investigation. The water system owner stated that some records, such as the results of the bacteriological monitoring, were not being saved. The Disinfectant Level Quarterly Operating Reports for the year 2010, and the weekly disinfectant residual monitoring and well meter readings for the period from October 5 to March 27, 2011, were provided at a later date. O For Informational PClassification: 30 TAC Chapter 290, SubChapter D 290.46(m)(4) Self Report? NO Citation: The blue, 525-gallon pressure tank at Well 1 was leaking. Description: Self Report? O For Informational PCI 30 TAC Chapter 290, SubChapter D 290.43(c)(3) Citation: The covers on the overflow lines on the ground storage tanks at Wells 2 and 3 have Description: gaps greater than 1/16 of an inch. Self Report? NO O For Informational PClassification: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(0) Citation: 30 TAC Chapter 290, SubChapter D 290.43(e) There are openings under the security fence at Well 2 large enough to allow access to Description: the well, and storage and pressure maintenance facilities. Classification: Self Report? or Informational Pl 30 TAC Chapter 290, SubChapter D 290.46(m) Citation: Description: The water system failed to maintain the general appearance of its facilities. Specifically, the security fence at Well 1 is overgrown with brush and small trees. 06/14/2013 CN602309908 (1150584)2 Date: Tor Informational PClassification: 30 TAC Chapter 200, SubChapter H 290.271(b) Self Report? NO Moderate Citation: 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290,274(c) Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year. 06/14/2013 (1209430)CN602309908 3 Date: Self Report? NO For Informational PC 30 TAC Chapter 290, SubChapter H 290.271(b) Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c) CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for Description: 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year. (1150584)CN602309908 11/14/2013 Date: Self Report? O For Informational Pt 30 TAC Chapter 290, SubChapter H 290.271(b) Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c) CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for Description: 2012 to its bill-paying customers and/or the TCEO by July 1st of the following year. For Informational PClassification: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) Self Report? NO Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3) Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2013 within the required timeline. Informational PClassifications Or Self Report? Moderate 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

DLOOR MR 202013 - The system failed to monitor and/or report distribution Description:

disinfectant residuals to the TCEQ for the 2nd quarter of 2013 within the required

5*

Date:

01/21/2014

(1143661)

CN602309908

ုClassification:

Moderate

Moderate

Moderate

Moderate

Moderate

Moderate

Self Report? NO

O For Informational P 30 TAC Chapter 290, SubChapter D 290.46(m)

Description:

Citation:

Failure to keep the water system distribution lines in good working condition and

prevent conditions that might cause contamination of the water.

Date:

02/26/2014

(1209430)

CN602309908

Self Report?

NO

Classification: O For Informational PClassif 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Citation:

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

DLOOR MR PN 202013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 2nd quarter of 2013.

Self Report? Citation:

NO

For Informational PClassification: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

DLQOR MR PN 1Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 1st quarter

of 2013.

Date:

09/11/2014

(1209430)

CN602309908

Classification:

Citation:

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

DLQOR MR PN 3Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 3rd quarter

of 2013.

Date:

10/16/2014 NO

10/23/2014

(1209430)

CN602309908

Classification:

Classification:

Self Report? Citation:

For Informational 30 TAC Chapter 290, SubChapter H 290.272 30 TAC Chapter 290, SubChapter H 290.273 30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description:

CCR 2013 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy, availability, and/or content requirements for the 2013 CCR year.

9

Date:

(1209430)

(1209430)

CN602309908

Self Report? Citation:

O For Informational Pulassii 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description:

DLOOR MR 202014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2014 within the required

timeline.

10

Date:

11/10/2014

CN602309908

Self Report?

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B) 30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description:

LCR RD MR YR2014 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2014 to

12/31/2014 within the required timeline.

^{*} NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

Appendix B All Investigations Conducted During Component Period December 03, 2009 and December 03, 2014

Item 1	December 22, 2009**	For ⁽⁷⁸⁶⁴⁴¹⁾ rmational	Purboses	Only
Item 2	January 26, 2011**	For ⁽⁸⁸⁷¹⁷⁷⁾ rmational		
Item 3	May 06, 2011**	For (901001) mational		
Item 4	January 31, 2012**	For ⁽⁹⁶⁹⁴⁸¹⁾ rmational	Purposes	Only
Item 5	July 30, 2012**	For ⁽¹⁹²⁰⁴⁵¹⁾ mational	Purposes	Only
Item 6	February 17, 2014**	For ⁽¹ 150584)mational	Purposes	Only
Item 7*	June 20, 2014**	For (11773859) mational	Purposes	Only
Item 8	November 18, 2014	For ⁽¹²⁰⁹⁴³⁰⁾ mational	Purposes	Only
Item 9	November 21, 2014	For (1709713) mational	Purposes	Only

^{*} No violations documented during this investigation

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§ .	BEFORE THE	
ENFORCEMENT ACTION	§		
CONCERNING	§	THE TANK OF COMBUNET OF A VECTOR	
HA VAN NGUYEN DBA	S TEXAS COMMISSION ON		
AUSTIN AQUA SYSTEM	§		
RN101197986	§	ENVIRONMENTAL QUALITY	

AGREED ORDER DOCKET NO. 2014-1798-PWS-E

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ha Van Nguyen dba Austin Aqua System (the "Respondent") under the authority of Tex. Health & Safety Code ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

- 1. The Respondent owns and operates a public water supply located at 105 Burnet Hills Drive, 2.5 miles east of Burnet, Burnet County, Texas (the "Facility") that has approximately 67 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. During a record review conducted from November 10, 2014 through November 21, 2014, TCEQ staff documented that the Respondent did not submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the second quarter of 2014.
- 3. During a record review conducted from November 10, 2014 through November 21, 2014, TCEQ staff documented that the Respondent did not mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the years 2011 and 2012.
- During a record review conducted from November 10, 2014 through November 21, 2014, TCEQ staff documented that the Respondent did not collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director for the January 1, 2010 through December 31, 2012, January 1, 2013 through December 31, 2013, and January 1, 2014 through December 31, 2014 monitoring periods.
- 5. During a record review conducted from November 10, 2014 through November 21, 2014, TCEQ staff documented that the Respondent did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs for the first quarter of 2013 through the third quarter of 2013.
- 6. During a record review conducted from November 10, 2014 through November 21, 2014, TCEQ staff documented that the 2013 CCR did not include the following: terms and definitions, system contact information, required health language, water source information, detected contaminants, disinfectant residual and violations.
- 7. The Respondent received notice of the violations on November 26, 2014.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.

Ha Van Nguyen dba Austin Aqua System DOCKET NO. 2014-1798-PWS-E Page 3

- 2. As evidenced by Findings of Fact No. 2, the Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c).
- 4. As evidenced by Findings of Fact No. 4, the Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(B), (c)(2)(C), and (i)(1).
- 5. As evidenced by Findings of Fact No. 5, the Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
- 6. As evidenced by Findings of Fact No. 6, the Respondent failed to meet the adequacy, availability, and/or content requirements for the CCR, in violation of 30 TEX. ADMIN. CODE §§ 290.272 and 290.274(a).
- 7. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 8. An administrative penalty in the amount of Two Thousand Two Hundred Fourteen Dollars (\$2,214) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). The Respondent has paid One Hundred Fourteen Dollars (\$114) of the administrative penalty. The remaining amount of Two Thousand One Hundred Dollars (\$2,100) of the administrative penalty shall be payable in 21 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by

Ha Van Nguyen dba Austin Aqua System DOCKET NO. 2014-1798-PWS-E Page 4

the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

The Respondent is assessed an administrative penalty in the amount of Two Thousand Two Hundred Fourteen Dollars (\$2,214) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ha Van Nguyen dba Austin Aqua System, Docket No. 2014-1798-PWS-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 or for the most current calendar year to each bill paying customer and make good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 Tex. ADMIN. CODE § 290.274;
 - ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 Tex. Admin. Code § 290.110;
 - iii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, including but not limited to providing public notification regarding the failure to submit DLQORs, in accordance with 30 Tex. ADMIN. CODE § 290.122; and

- iv. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed by an approved laboratory, and the results reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 Tex. ADMIN. CODE § 290.117.
- b. Within 45 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iv.; and
 - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 Tex. Admin. Code § 290.274. The copy of the CCR and certification shall be mailed to:

Public Drinking Water Section Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- c. Within 60 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii.;
- d. Within 90 days after the effective date of this Agreed Order:
 - i. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period, in accordance with 30 Tex. Admin. Code § 290.117. This provision will be satisfied upon one annual compliant monitoring period; and
 - ii. Begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 Tex. Admin. Code § 290.110. This provision will be satisfied

upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- e. Within 285 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.ii.; and
- f. Within 470 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.i. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087 Ha Van Nguyen dba Austin Aqua System DOCKET NO. 2014-1798-PWS-E Page 7

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 8. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

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For the Commission

SIGNATURE PAGE

6/1/15

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Executive Director	Date
behalf of Ha Van Nguyen dba Austin Aqua Syste	horized to agree to the attached Agreed Order on
I understand that by entering into this Agreed O waives certain procedural rights, including, but violations addressed by this Agreed Order, notic evidentiary hearing, and the right to appeal. I am evidentiary hearing. This Agreed Order cons Commission of the violations set forth in this Agreed Order.	not limited to, the right to formal notice of ce of an evidentiary hearing, the right to an gree to the terms of the Agreed Order in lieu of stitutes full and final adjudication by the
 additional penalties, and/or attorney fee Increased penalties in any future enforce 	t, may result in: y; ons submitted; eral's Office for contempt, injunctive relief, es, or to a collection agency; ement actions; ral's Office of any future enforcement actions; by law.
Signature	3/30/15 Date
HA VAN NGUYEN	OWNER
Name (Printed or typed) Authorized Representative of Ha Van Nguyen dba Austin Aqua System	
Instructions: Send the original, signed Agreed Order wi Division, Revenue Operations Section at t	th penalty payment to the Financial Administration he address in Section III, Paragraph 1 of this Agreed Order.